COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SUSPECT INJURED

INCIDENT: ON-DUTY, HIT SHOOTING

IAB FILE NUMBER: SH 2270109

URN#: 010-11288-0610-455

DATE / TIME: FRIDAY, JULY 9, 2010, 0250 HOURS

LOCATION: [redacted] SOLEDAD CANYON ROAD, CANYON COUNTRY

INVOLVED DEPUTIES: ERIC ACOSTA #[redacted]
KEVIN DUXBURY #[redacted]

SUSPECT: RALPH NORIEGA MH/41 (INJURED)

On Friday, July 9, 2010, Internal Affairs Investigators Sergeant Kelly Adler, Victor Allen and Acting Lieutenant Trent Denison responded to the city of Canyon Country regarding an on-duty hit shooting which resulted in the injury of Ralph Noriega, M/H 41. Attorney Julie Ruhlin of the Office of Independent Review was notified and responded.

SYNOPSIS:

On Friday, July 9, 2010, Deputy Eric Acosta was assigned as the handling unit on a Family Disturbance/Possible Attempt Suicide call at [redacted] Soledad Canyon Road, Space # [redacted]. The disturbing party was described as a male Hispanic (nfd) and made reference to him having a motorcycle. Deputes Kevin Duxbury, Daniel Bigelow, Felix Bustamante, Jerry Chen and Edgar Quintana were assisting units on the call. Deputy Acosta advised all units to meet at the far east entrance of the [redacted] and asked for any available unit to provide less-lethal weaponry if needed.

When all units were present at the meeting location, Deputy Acosta, who was in possession of a [redacted] map, lead the others through the complex toward the location listed in the call (space #[redacted]). As all units neared the location, they stopped their respective radio cars north space #[redacted]. As they exited their vehicles, Deputy Quintana,

who was [redacted] at the time, retrieved a Stunbag Shotgun from the trunk. As Deputies neared space # [redacted] a male approached them from the front deck, where a motorcycle was parked nearby. The male yelled profanities at the deputies, moved his hands behind his back, and said he had a gun. Deputies drew their duty weapons and ordered the male to show his hands, however, he refused as he continued yelling profanities at them. Suddenly, and without provocation, the male pulled his hands out from behind his back and took a shooting stance (feet shoulder-width apart, arms extended in front of him) while holding a dark object in his hands. Fearing for the safety of himself, his partners, and the general public, Deputy Acosta fired two rounds from his duty weapon in the direction of the male. Simultaneously, Deputy Duxbury, also fearing for the safety of himself, his partners and the general public, fired three rounds from his duty weapon in the direction of the male. The male was not struck. Deputies Bigelow, Bustamante, Chen and Quintana, who were offset and behind Deputies Acosta and Duxbury, maintained their position with their weapons pointed in the direction of the male (hereafter referred to as Suspect Noriega). Suspect Noriega began touching his abdomen as he moved about and continued yelling. Seconds later, he fell to the ground, face down, with his hands tucked under his stomach.

With Suspect Noriega still on the ground, deputies yelled orders for him to show his hands by putting them out to his sides. Suspect Noriega refused to comply with orders being given to him and propped himself up, onto his left elbow. As he looked in the direction of deputies, Suspect Noriega moved slightly onto his left side and yelled out that he had a second gun. Believing Suspect Noriega was about to retrieve another weapon, Deputy Duxbury fired one additional round from his duty weapon in the direction of Suspect Noriega, striking him in the upper torso. Suspect Noriega began yelling out in pain that he had been shot. Deputies yelled to him, ordering him to show his hands, at which time he put his arms out to his sides. Deputies were able to see that Suspect Noriega was not holding a firearm and formed a four-man search team to secure him. Deputy Chen placed Suspect Noriega's hands behind his back and Deputy Bigelow placed handcuffs on him without further incident. A pat down of Suspect Noriega's person was conducted to ensure he was not concealing any firearms or other weapons and he was assessed for injuries. Once Suspect Noriega was searched, the Fire Department was brought in for preliminary treatment. Suspect Noriega was then transported, via ambulance, to a local hospital.

Suspect Noriega sustained a single gunshot wound to his right rib cage area, which required surgery to repair damage his liver, kidney, and colon. When transported to the hospital, he tested positive for Amphetamine and Opiates (see medical paperwork on pages 179 through 354 of the Homicide Book **[Exhibit A]**. No deputies were injured. No handguns were recovered, however, a black cell phone wall charger and a pair of dark sunglasses were recovered at the scene. Based on Suspect Noriega's threatening statements to deputies that he possessed one or more guns, coupled with the fact that he simulated pointing a handgun at them, Homicide Investigators filed 422PC - Criminal Threats with the District Attorney. On October 25, 2010, The District Attorney's Office rejected the case, citing insufficient evidence. For further information, see Detective O'Quinn's supplemental report and the Charge Evaluation Worksheet on pages 395 and 396 of the Homicide Book **[Exhibit A]**.

SCENE DESCRIPTION:

The location consists of single story double-wide modular [redacted] homes, located within a community that is accessible from three separate entrances off of Soledad Canyon Road. The location where the incident occurred is a black asphalt roadway, with a single lane of travel in each direction. For a more detailed description of the scene, see page 21 of the Homicide Book **[Exhibit A]**.

LIGHTING/WEATHER CONDITIONS:

This incident occurred in darkness. However, investigators noted there were three street lamps in the vicinity where the majority of the evidence was found. The street lights are constructed of metal and are 15' to 20' tall. All indications led investigators to believe the street lamps were on and functioning at the time of the incident. For further information related to the lighting conditions, see page 22 of the Homicide Book **[Exhibit A]**.

PHYSICAL EVIDENCE:

All physical evidence was located and collected by Homicide investigators and Scientific Services Bureau personnel. For a description of evidence and locations where items were recovered from, refer to pages 16, 17, and 18 of the Homicide Book **[Exhibit A]**. Additionally, see crime scene photos **[Exhibit B].**

PROPERTY DAMAGE:

- Damage to Unit #[redacted] from (3) bullet strikes.
- Damage to base of palm tree, located in the center median, from (1) bullet strike.
- Damage to Unit #[redacted] from (1) bullet strike.
- Damage to unit #[redacted] (pry marks) to the main entrance door frame as a result of an unknown type of tool. The door and pry mark area were processed for latent fingerprints by Deputy Ducat to prove or disprove any relation to this incident.

For a more detailed description of property damage, see pages 18, 19, and 20 of the Homicide Book **[Exhibit A]**.

INVESTIGATORS OBSERVATIONS:

At the time IAB Investigators arrived, personnel from Scientific Services Bureau were in the process of surveying the scene and collecting evidence. However, the scene, in it's entirety, was described in detail by Homicide Detectives Kenneth Clark and John Fredendall, as noted on pages 16 through 24 of the Homicide Book **[Exhibit A]**.

INVESTIGATING HOMICIDE DETECTIVES:

Detective Richard Lopez, #[redacted]
Detective Timothy O' Quinn, #[redacted]

ASSISTING HOMICIDE DETECTIVES:

Detective Raymond Lugo, #[redacted] (Civilian Witness Interviews)
Sergeant Joseph Ramirez, #[redacted] (Civilian Witness Interviews)
Sergeant Kenneth Clark, [redacted] (Crime Scene Processing)
Detective John Fredendall, #[redacted] (Crime Scene Processing)

WEAPON(S) USED BY SUSPECT:

Simulated handgun, along with (2) separate statements made by Suspect Noriega that he was possessing guns.

ANTI-HUDDLING:

IAB Acting Lieutenant Trent Denison conferred with the watch commander, Lieutenant Stillwell, to ensure reasonable steps were being taken to prevent involved parties and witnesses from discussing the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Acting Lieutenant Denison also conferred with the watch commander to ensure involved parties and witness personnel did not collectively consult with their attorney or representative. The watch commander was also tasked with making attempts to have the involved parties and witnesses gather in the company of a supervisor until they provided a statement to the assigned investigators.

SUSPECT:

Ralph Noriega MH/41
DOB: 09/15/1968
CII: [redacted] / FBI: [redacted]

Suspect Noriega has a [redacted].

INVOLVED PERSONNEL

DEPUTY ERIC ACOSTA	DEPUTY KEVIN DUXBURY
Fired 2 Rounds From His Beretta 92F Both Rounds Missed Suspect	Fired 4 Rounds From His Beretta 92F One Round Struck Suspect
Date of Employment: 05/02/02 Date Assigned to Patrol: [redacted] Completed Patrol Training: [redacted] Date Assigned to SCV: 10/25/09 Prior Shooting Incidents: [redacted] Prior Founded Force Incidents: [redacted]	Date of Employment: 10/30/00 Date Assigned to Patrol: [redacted] Completed Patrol Training: [redacted] Date Assigned to SCV: 06/10/07 Prior Shooting Incidents: [redacted] Prior Founded Force Incidents: [redacted]

INVOLVED PERSONNEL INTERVIEWS CONDUCTED BY HOMICIDE DETECTIVES:

On July 9, 2010, **Deputy Eric Acosta** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Deputy Acosta told homicide detectives that he fired his weapon at Suspect Noriega, who he believed possessed a firearm. IAB investigators reviewed the audio taped interview and found statements made by Deputy Acosta to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 80 through 85 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Deputy Kevin Duxbury** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Deputy Duxbury told homicide investigators he fired his weapon at Suspect Noriega, who he believed possessed a firearm. IAB investigators reviewed the audio taped interview and found statements made by Deputy Duxbury to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 76 through 80 of the Homicide Book **[Exhibit A]**.

INVOLVED PERSONEL INTERVIEWS CONDUCTED BY IAB INVESTIGATORS:

On July 24, 2010, **Deputy Eric Acosta** was interviewed by IAB Investigators Kelly Adler and Victor Allen. Attorney Audra Call of Green and Shinee, counsel for ALADS, was present for the interview, which took place at the Internal Affairs Bureau. The following is a summary of Deputy Acosta's statements:

Deputy Acosta said that on July 9, 2010, he was assigned as the handling unit on a possible 918, possible 902A call. He said he contacted assisting units over L-Tac and instructed them to meet at the entrance of the [redacted] named in the call. He said he asked for a unit to provide less lethal weaponry.

Once at the entrance of the location, Deputy Acosta said he took the lead and drove toward the target location. For further information on the route taken by deputies, see Google Earth image **[Exhibit C]**, initialed by Deputy Acosta. He said as he drove down the street of the target location, he saw a motorcycle, possibly the same one as referenced in the call, so he stopped his radio car. Deputy Acosta said he exited his radio car and, as he neared the front of it, he heard Suspect Noriega yelling. When Deputy Acosta looked up, Suspect Noriega had his hands out to his sides and was coming toward him and his partners.

Deputy Acosta said deputies gave Suspect Noriega orders to remain where he was, at which time Suspect Noriega yelled out that he had a gun and placed his hands behind his back. Deputy Acosta said he was holding his flashlight in one hand, and drew his duty weapon with the other. He said he yelled commands to Suspect Noriega, ordering him to put his hands up, however Suspect Noriega did not comply. Instead, he kept his hands behind his back. Deputies gave numerous additional commands for Suspect Noriega to show his hands. He said although there were porch lights on some of the [redacted], it was dark outside due to the time (approximately 0230-0300 hours). According to Deputy Acosta, Suspect Noriega took a "shooting stance" as he pulled his hands out from behind his back. He said Suspect Noriega had something dark in his right hand, which he was holding in front of him. At that time, Deputy Acosta said he fired two rounds from his duty weapon, simultaneously hearing additional shots coming from an unknown source to his left. Deputy Acosta said he knew Suspect Noriega was not shot because he did not go down, nor did he react; instead he (Suspect Noriega) just stood there. Deputy Acosta depicted his location when he shot by marking on a sketch provided by Homicide Detectives at the time of his interview with them. For further, see said sketch on page 117 of the Homicide Book **[Exhibit A]**.

Deputy Acosta said Suspect Noriega continued yelling as he had been before. Deputy Acosta said he remembered being shaken and having to take deep breaths. He also remembered feeling Deputy Bigelow's hand on his shoulder. Deputies were still ordering Suspect Noriega to get on the ground, at which time he seemed to be listening as he laid flat on the ground face down. Suspect Noriega, however, had his hands tucked under his chest. Deputy Acosta said he and other deputies were yelling orders at Suspect Noriega to put his hands out to his sides, but Suspect Noriega was not complying. Deputy Acosta

said he heard Suspect Noriega yell, "I've got two guns, Mother Fuckers!" and started reaching down. At that time, Deputy Acosta said that Deputy Duxbury shot Suspect Noriega. He said he knew Suspect Noriega has been hit that time, because he started yelling in pain. Suspect Noriega then rolled onto his back and put his arms atop his chest, despite orders by deputies to put his hands out to his sides. Deputy Acosta said his partner deputies decided to move forward and take Suspect Noriega into custody. Deputy Acosta said nothing was seen in his waistband at that time. He was told by Deputy Chen to maintain his focus on the [redacted] to the right. As Deputy Acosta did so, he approached the [redacted] and saw Suspect Noriega's [redacted]. According to Deputy Acosta, Suspect Noriega's [redacted] said he (Suspect Noriega) had recently been in the hospital regarding "5150" and was currently off of his medication. She also told Deputy Acosta that prior to his hospitalization, Suspect Noriega did a lot of damage to the inside of her home.

Deputy Acosta said his partners searched Suspect Noriega for weapons and discovered he was not possessing any. Deputy Acosta said he later found out the dark object was a pair of sunglasses, but at the time of the shooting, he was not able to determine what Suspect Noriega was holding. He said following the incident, Suspect Noriega was treated on-scene by paramedics and was subsequently transported to a local hospital for further treatment. Deputy Acosta said he immediately reported force, which he used and witnessed to a supervisor. He also said he was not injured during this incident.

On July 17, 2010, **Deputy Kevin Duxbury** was interviewed by IAB Investigators Kelly Adler and Victor Allen. Attorney Audra Call of Green and Shinee, counsel for ALADS, was present for the interview, which took place at the Internal Affairs Bureau. The following is a summary of Deputy Duxbury's statements:

Deputy Duxbury said that on July 9, 2010, he heard a call regarding a 918, possible 902A, which was assigned to Deputy Acosta. He said the call referenced a [redacted] at his [redacted] house who was refusing to leave and was making suicidal threats. Deputy Duxbury said although he was not assigned as an assisting unit on the call, he added himself due to the nature of the call.

Deputy Duxbury said the location of the incident is at a [redacted] with three entrances. He, along with other responding deputies entered the [redacted] on the far west side and made their way to the target location. Deputy Duxbury said when he stopped his vehicle, he exited and began walking across the island divider. He said Deputy Acosta was in front of him and off to his right. Suddenly, he saw Suspect Noriega coming down the stairs of the [redacted]. Suspect Noriega was walking rapidly and had his hands behind his back. Deputy Duxbury and the other deputies immediately drew their weapons as he (Deputy Duxbury) began yelling commands to Suspect Noriega to show his hands and get them out from behind his back. Deputies were still walking toward Suspect Noriega who was yelling "Fuck you, I've got a gun!" Deputies were continuing to shout orders to Suspect Noriega to show his hands. According to Deputy Duxbury, Suspect Noriega quickly pulled his hands out from behind his back and pointed what looked like a black semi-automatic pistol at them. In response, Deputy Duxbury said he and Deputy

Acosta fired their weapons. Deputy Duxbury said he fired three rounds at Suspect Noriega while he (Deputy Duxbury) was still in motion. He was unsure how many shots were fired by Deputy Acosta.

IAB Note: Although curse words used by Suspect Noriega were full and complete words, Deputy Duxbury, for personal reasons, did not repeat those curse words in their entirety during his interview. Instead, he used the first letter of the curse word for clarification as to what was said. This method was used by Deputy Duxbury throughout the interview, therefore, and all curse words will hereafter be written as full and complete words as spoken by Suspect Noriega.

Deputy Duxbury said he was not sure if Suspect Noriega had been shot because he was moving about by flinching and dodging. He said Suspect Noriega did, however, drop an object that he believed was a gun. He said even when it hit the ground he thought the object was a gun. Deputy Duxbury said deputies were yelling at Suspect Noriega to get on the ground, with his arms out. Suspect Noriega laid on his stomach, but was on his elbows as he yelled, "I can't believe you fucking shot at me!"

Deputy Duxbury said Suspect Noriega seemed to be focusing on deputies in front of him. Deputy Duxbury said he flanked Suspect Noriega, knowing he (Suspect Noriega) could not see him due to the darkness. Deputy Duxbury said Suspect Noriega continued cursing at deputies as they gave him commands to get his hands out to his sides. Suspect Noriega again yelled, " I can't believe you fucking shot at me, I've got another gun, I am going to fucking kill you!" According to Deputy Duxbury, that is when Suspect Noriega reached for in his waistband with his right hand. Deputy Duxbuy said fearing for his partners lives, he fired one round at Suspect Noriega, striking him in the right torso area. He said Suspect Noriega flinched, froze, and rolled onto his back with his hands out to his sides and began screaming. Deputy Duxbury said he depicted his location when he shot by marking on a sketch provided by Homicide Detectives at the time of his interview with them. For further, see said sketch on page 118 of the Homicide Book **[Exhibit A]**.

Deputy Duxbury said he recalled that one of Suspect Noriega's hands kept going toward his waistband and coming back and forth. Deputies were yelling at him to put his hands at his sides and eventually he did. Deputy Duxbury said deputies formed an arrest team and, after approaching Suspect Noriega, rolled him over, and handcuffed him. He said following the incident, Suspect Noriega was treated on-scene by paramedics and was subsequently transported to a local hospital for further treatment. Deputy Duxbury said he immediately reported force, which he used and witnessed to a supervisor. He also said he was not injured during this incident.

SWORN WITNESSES INTERVIEWED BY HOMICIDE DETECTIVES:

On July 9, 2010, **Deputy Daniel Bigelow** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and

Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Also present during the interview was IAB Sergeant Kelly Adler. Deputy Bigelow told homicide detectives he was getting out of his radio car when the first shots were fired, and then witnessed Suspect Noriega get shot after yelling that he had "another gun." Deputy Bigelow said he did not fire his weapon. IAB investigators reviewed the audio taped interview and found statements made by Deputy Bigelow to be consistent with statements made during his IAB interview.

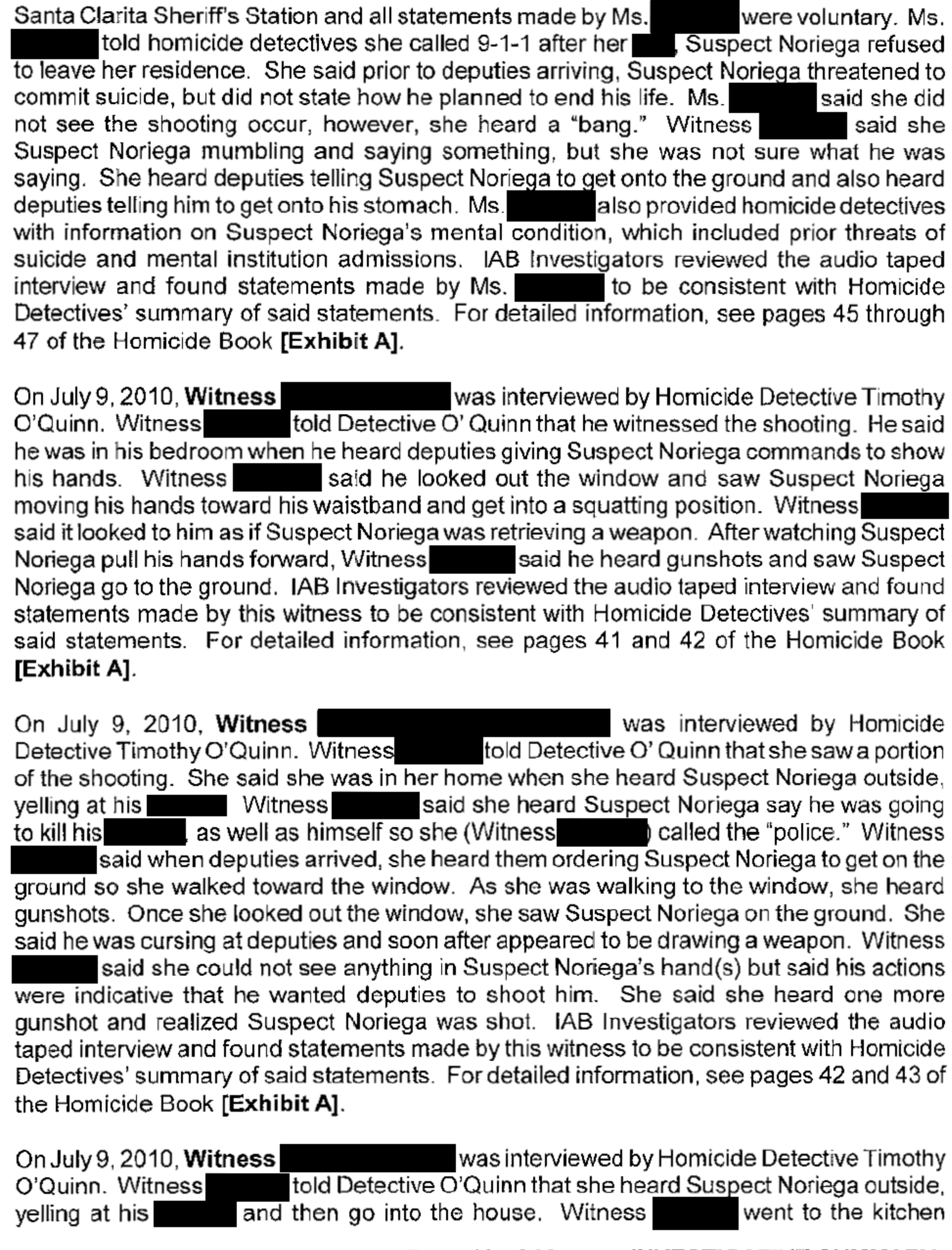
On July 9, 2010, **Deputy Felix Bustamante** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Also present during the interview was IAB Sergeant Kelly Adler. Deputy Bustamante told homicide detectives he saw Suspect Noriega take an isosceles stance and point something at deputies before being shot. Deputy Bustamante said he did not fire his weapon. IAB investigators reviewed the audio taped interview and found statements made by Deputy Bustamante to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 62 through 67 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Deputy Jerry Chen** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Also present during the interview was IAB Sergeant Kelly Adler. Deputy Chen told homicide detectives he saw Suspect Noriega point something at deputies and say he had a gun before being shot. Deputy Chen said he did not fire his weapon. IAB investigators reviewed the audio taped interview and found statements made by Deputy Chen to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 67 through 72 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Deputy Edgar Quintana** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Attorneys Mitchell Kander and Audra Call of Green and Shinee, counsel for ALADS, were present for the interview, which took place at the Santa Clarita Sheriff's Station. Also present during the interview was IAB Sergeant Kelly Adler. Deputy Quintana told homicide detectives he heard deputies tell Suspect Noriega to show them his hands. He said he heard shots fired after Suspect Noriega put his hands in front of him. Deputy Quintana said he did not fire his weapon. IAB investigators reviewed the audio taped interview and found statements made by Deputy Quintana to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 72 through 76 of the Homicide Book **[Exhibit A]**.

NON-EMPLOYEE WITNESS INTERVIEWS CONDUCTED BY HOMICIDE DETECTIVES:

On July 9, 2010, [redacted], who is the [redacted] of Suspect Noriega, was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Also present in the interview room were IAB Sergeants Kelly Adler and Victor Allen. The interview took place at the



Santa Clarita Sheriff's Station and all statements made by Ms. [redacted] were voluntary. Ms. [redacted] told homicide detectives she called 9-1-1 after her [redacted], Suspect Noriega refused to leave her residence. She said prior to deputies arriving, Suspect Noriega threatened to commit suicide, but did not state how he planned to end his life. Ms. [redacted] said she did not see the shooting occur, however, she heard a "bang." Witness [redacted] said she Suspect Noriega mumbling and saying something, but she was not sure what he was saying. She heard deputies telling Suspect Noriega to get onto the ground and also heard deputies telling him to get onto his stomach. Ms. [redacted] also provided homicide detectives with information on Suspect Noriega's mental condition, which included prior threats of suicide and mental institution admissions. IAB Investigators reviewed the audio taped interview and found statements made by Ms. [redacted] to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 45 through 47 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detective Timothy O'Quinn. Witness [redacted] told Detective O' Quinn that he witnessed the shooting. He said he was in his bedroom when he heard deputies giving Suspect Noriega commands to show his hands. Witness [redacted] said he looked out the window and saw Suspect Noriega moving his hands toward his waistband and get into a squatting position. Witness [redacted] said it looked to him as if Suspect Noriega was retrieving a weapon. After watching Suspect Noriega pull his hands forward, Witness [redacted] said he heard gunshots and saw Suspect Noriega go to the ground. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 41 and 42 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detective Timothy O'Quinn. Witness [redacted] told Detective O' Quinn that she saw a portion of the shooting. She said she was in her home when she heard Suspect Noriega outside, yelling at his [redacted] Witness [redacted] said she heard Suspect Noriega say he was going to kill his [redacted], as well as himself so she (Witness [redacted]) called the "police." Witness [redacted] said when deputies arrived, she heard them ordering Suspect Noriega to get on the ground so she walked toward the window. As she was walking to the window, she heard gunshots. Once she looked out the window, she saw Suspect Noriega on the ground. She said he was cursing at deputies and soon after appeared to be drawing a weapon. Witness [redacted] said she could not see anything in Suspect Noriega's hand(s) but said his actions were indicative that he wanted deputies to shoot him. She said she heard one more gunshot and realized Suspect Noriega was shot. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 42 and 43 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detective Timothy O'Quinn. Witness [redacted] told Detective O'Quinn that she heard Suspect Noriega outside, yelling at his [redacted] and then go into the house. Witness [redacted] went to the kitchen

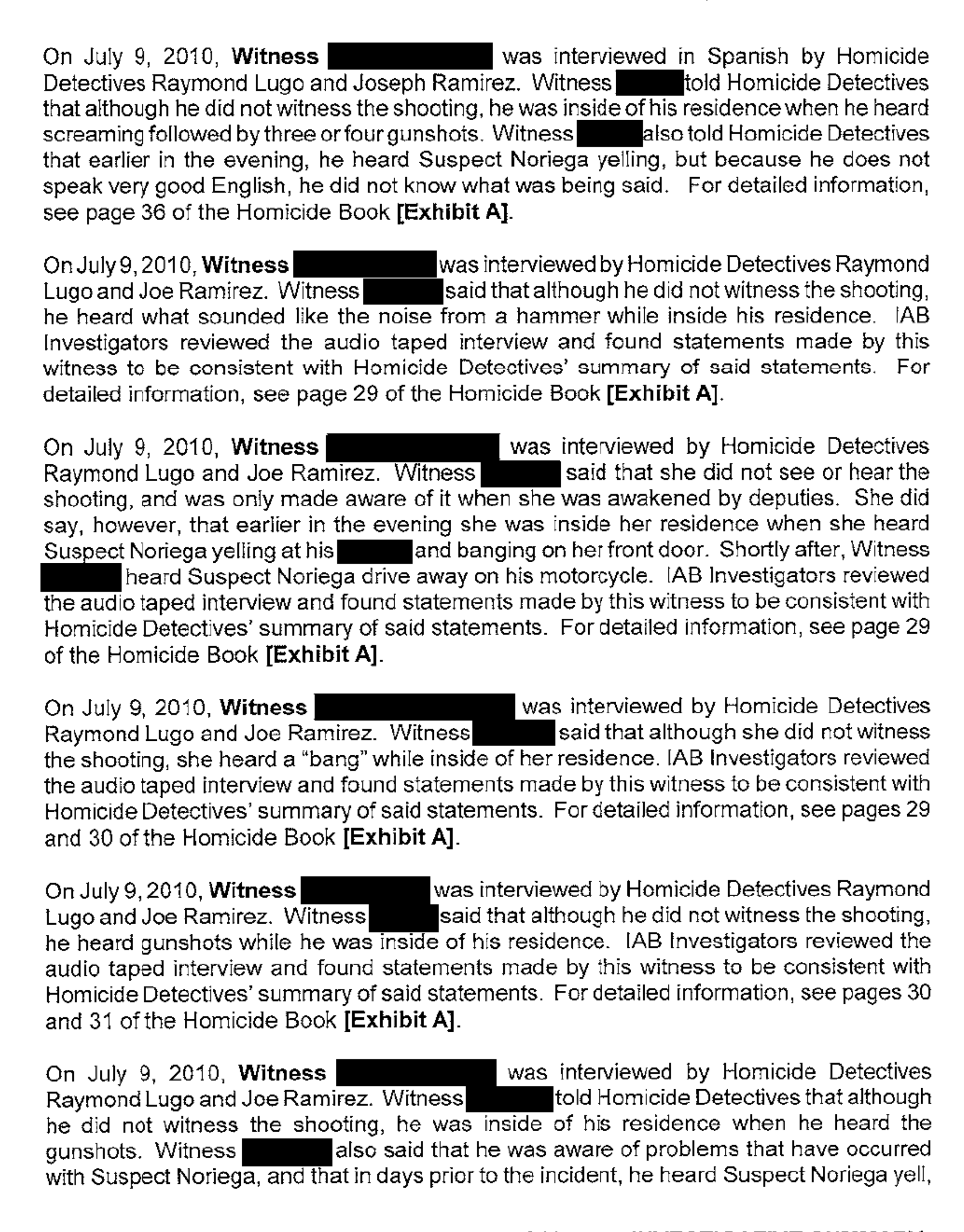
window and saw Suspect Noriega standing in front of the walkway of space #[redacted]. She heard deputies yelling at Suspect Noriega to get his hands out of his pockets. She said although she could not tell what he was saying, Suspect Noriega was yelling at the deputies. Witness [redacted] said she heard four gunshots and Suspect Noriega eventually went down to the ground.

IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 43 and 44 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said she was inside of her home when the shooting occurred. She said although she did not witness the shooting, she looked out her window and saw Suspect Noriega standing in front of his motorcycle acting "peculiar." She said Suspect Noriega was not doing what the deputies were ordering him to do. As she was walking to a different window within her residence, she heard what sounded to her like fireworks. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 33 and 34 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said he witnessed the shooting while inside his residence. He first heard Suspect Noriega yelling at someone. He said he was looking out the window when deputies arrived and could only see the top of Suspect Noriega's head. Witness [redacted] said deputies were yelling at Suspect Noriega to show his hands and in turn, he was cursing at deputies. Witness [redacted] said he heard gunshots. When he looked out of a different window, Witness [redacted] saw Suspect Noriega laying down, partially propped up on his elbows before being shot by deputies. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 34 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed in Spanish by Homicide Detectives Raymond Lugo and Joseph Ramirez. Witness [redacted] told Homicide Detectives that although she did not witness the shooting, she was inside of her residence when she heard deputies outside yelling at Suspect Noriega to either raise or lower his hands. She said seconds later, she heard three gunshots. Witness [redacted] also told Homicide Detectives that prior to the shooting, she heard Suspect Noriega yelling at his [redacted] to let him inside the house. She also heard him yelling that he did not want to live anymore. For detailed information, see pages 27 and 28 of the Homicide Book **[Exhibit A]**.



On July 9, 2010, **Witness** [redacted] was interviewed in Spanish by Homicide Detectives Raymond Lugo and Joseph Ramirez. Witness [redacted] told Homicide Detectives that although he did not witness the shooting, he was inside of his residence when he heard screaming followed by three or four gunshots. Witness [redacted] also told Homicide Detectives that earlier in the evening, he heard Suspect Noriega yelling, but because he does not speak very good English, he did not know what was being said. For detailed information, see page 36 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard what sounded like the noise from a hammer while inside his residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 29 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that she did not see or hear the shooting, and was only made aware of it when she was awakened by deputies. She did say, however, that earlier in the evening she was inside her residence when she heard Suspect Noriega yelling at his [redacted] and banging on her front door. Shortly after, Witness [redacted] heard Suspect Noriega drive away on his motorcycle. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 29 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although she did not witness the shooting, she heard a "bang" while inside of her residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 29 and 30 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard gunshots while he was inside of his residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 30 and 31 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] told Homicide Detectives that although he did not witness the shooting, he was inside of his residence when he heard the gunshots. Witness [redacted] also said that he was aware of problems that have occurred with Suspect Noriega, and that in days prior to the incident, he heard Suspect Noriega yell,

"I'm going to take my motorcycle up the street and come back and run it into the house and kill myself!" IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 31 and 32 of the Homicide Book **[Exhibit A]**.

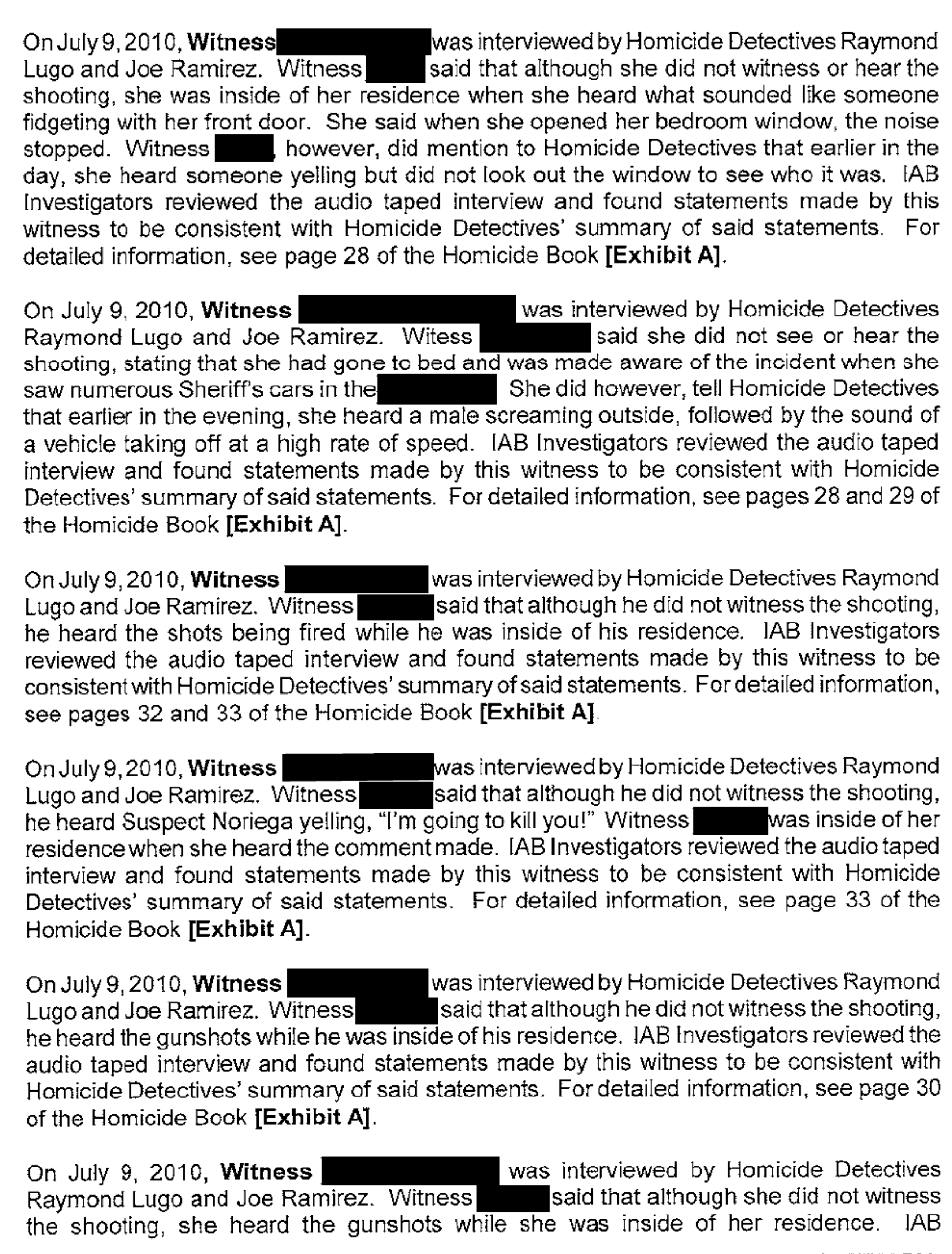
On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said although she did not witness the shooting, she was inside of her residence when she heard, Put your hands up where we could see them!" followed by approximately four gunshots. She said seconds later she heard an additional two gunshots. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 33 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said she did not see or hear the shooting. She said she was made aware of the incident when her [redacted] woke her up and told her a shooting occurred. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 35 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard "popping" while inside of his residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 35 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said he did not see or hear the shooting. He was unaware anything had occurred until deputies came to his door and woke him from his sleep. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 35 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said he did not see or hear the shooting. He was unaware anything had occurred until he heard patrol cars driving into the [redacted]. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 35 of the Homicide Book **[Exhibit A]**.



On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although she did not witness or hear the shooting, she was inside of her residence when she heard what sounded like someone fidgeting with her front door. She said when she opened her bedroom window, the noise stopped. Witness [redacted], however, did mention to Homicide Detectives that earlier in the day, she heard someone yelling but did not look out the window to see who it was. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 28 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witess [redacted] said she did not see or hear the shooting, stating that she had gone to bed and was made aware of the incident when she saw numerous Sheriff's cars in the [redacted] She did however, tell Homicide Detectives that earlier in the evening, she heard a male screaming outside, followed by the sound of a vehicle taking off at a high rate of speed. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 28 and 29 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard the shots being fired while he was inside of his residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 32 and 33 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard Suspect Noriega yelling, "I'm going to kill you!" Witness [redacted] was inside of her residence when she heard the comment made. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 33 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although he did not witness the shooting, he heard the gunshots while he was inside of his residence. IAB Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see page 30 of the Homicide Book **[Exhibit A]**.

On July 9, 2010, **Witness** [redacted] was interviewed by Homicide Detectives Raymond Lugo and Joe Ramirez. Witness [redacted] said that although she did not witness the shooting, she heard the gunshots while she was inside of her residence. IAB

Investigators reviewed the audio taped interview and found statements made by this witness to be consistent with Homicide Detectives' summary of said statements. For detailed information, see pages 36 and 37 of the Homicide Book **[Exhibit A]**.

ADDITIONAL EMPLOYEE INTERVIEWS CONDUCTED BY HOMICIDE DETECTIVES:

On July 14, 2010, **Deputy James D'Antonio** was interview by Homicide Detectives Richard Lopez and Timothy O' Quinn. The interview was regarding a call for service on July 1, 2010, wherein Suspect Noriega was detained at gunpoint and later warned about the risk of being shot by law enforcement for failing to comply with a peace officer's orders to show hands when ordered to do so. IAB Investigators reviewed the audio taped interview and found statements made by Deputy D'Antonio to be consistent with Homicide Detectives' summary of said statements. For further information, see pages 52 and 53 of the Homicide Book **[Exhibit A]**.

On July 14, 2010, **Deputy Keith Davis** was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. The interview was regarding a call for service on July 1, 2010, wherein Suspect Noriega was detained at gunpoint and later warned about the risk of being shot by law enforcement for failing to comply with a peace officer's orders to show hands when ordered to do so. IAB Investigators reviewed the audio taped interview and found statements made by Deputy Davis to be consistent with Homicide Detectives' summary of said statements. For further information, see pages 51 and 52 of the Homicide Book **[Exhibit A]**.

HOSPITAL PERSONNEL INTERVIEWED BY HOMICIDE DETECTIVES:

On July 16, 2010, **Nurse** [redacted] was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. The statements made by [redacted] refer one or more comments made to her by Suspect Noriega, while in the Emergency Room, that he attempted "Suicide by Cop" the night of the incident. IAB Investigators reviewed the audio taped interview and found statements made by [redacted] to be consistent with Homicide Detectives' summary of said statements. For further information, see pages 53 and 54 of the Homicide Book **[Exhibit A]**.

On July 13, 2010, **Doctor** [redacted] was interviewed by Homicide Detectives Richard Lopez and Timothy O' Quinn. Doctor [redacted] was the trauma surgeon in the Emergency Room when Suspect Noriega arrived. Doctor [redacted] said he did not speak to Suspect Noriega about the shooting, nor did Suspect Noriega make any statements to him about what occurred. IAB Investigators reviewed the audio taped interview and found statements made by Doctor [redacted] to be consistent with Homicide Detectives' summary of said statements. For further information, see page 49 of the Homicide Book **[Exhibit A]**.

MISCELLANEOUS INFORMATION:

Although not interviewed, **Deputy Ryan Elsee** authored a supplemental report that outlined statements, which he heard, made by Suspect Noriega. The statements heard by Deputy Elsee, were made by Suspect Noriega while at the hospital and refer to his attempt at "Suicide by Cop" the night of this incident. For further information, see Deputy Elsee's supplemental report under file # 010-11288-0610-455, on page 7 of the Homicide Book **[Exhibit A]**.

Although not interviewed, **Deputy Jason Rooney** authored a supplemental report which outlined statements, which he heard, made by Suspect Noriega. The statements heard by Deputy Rooney, were made by Suspect Noriega while at the hospital and refer to his attempt at "Suicide by Cop" the night of this incident. For further information, see Deputy Elsee's supplemental report under file # 010-11288-0610-455, on page 8 of the Homicide Book **[Exhibit A]**.

SUSPECT INTERVIEW CONDUCTED BY HOMICIDE DETECTIVES

Homicide Detectives Richard Lopez and Timothy O' Quinn attempted to conduct an audio-taped interview of **Suspect Noriega** while he was in the hospital, however, Suspect Noriega did not make any statements. IAB Investigators reviewed the audio taped interview and found this to be consistent with Homicide Detectives' summary of said occurrence. For further information, see page 54 of the Homicide Book **[Exhibit A]**.

Following Suspect Noriega's release from the hospital, he moved back to [redacted], [redacted] to reside with his [redacted]. With the concurrence of Homicide Detective O' Quinn, IAB Investigators made attempts to contact Suspect Noriega for an interview, however, on October 5, 2010, Suspect Noriega's attorney, Alex Galindo, advised that at this time, an interview will not be granted. Mr. Galindo also said that a civil claim has been filed with the Los County Sheriff's Department.

> **IAB Note:** A check of the Personnel Profile Index revealed that a civil claim has been filed under claim # 10-1083525*001.

DISTRICT ATTORNEY'S LETTER OF OPINION:

The Los Angeles County District Attorney's Office's Justice System Integrity Division (JSID) is currently reviewing the shooting of Ralph Noriega involving Deputies Eric Acosta and Kevin Duxbury. As of this writing, a letter of opinion has not been received by the Los Angeles County Sheriff's Department.